

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-25 will be pending in the present application. No amendments to the claims have been made by this Response.

In the Interview Summary dated August 7, 2007, the Examiner noted that the Terminal Disclaimer submitted on May 29, 2009 contained the wrong patent number. A corrected Terminal Disclaimer is submitted herewith.

Claims 1-25 were rejected in the Office Action dated January 26, 2007 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,413,226 to Starr et al. ("the '226 patent"). Claims 1-25 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,699,203 to Start et al. ("the '203 patent"). A Terminal Disclaimer executed by the undersigned applicant's representative in compliance with 37 C.F.R. § 1.321(c) was submitted in a Response dated May 29, 2007 to disclaim the term of a patent resulting from the present application from extending beyond that of the '226 patent and '203 patent.

As noted above, the May 29, 2007 Terminal Disclaimer was defective for including the wrong patent number. Applicant submits that his was a typographical error and has corrected this deficiency with the Terminal Disclaimer provided herewith. Accordingly, applicants respectfully requests that the above obviousness-type double patent rejection be withdrawn.

No extension fees are believed to be necessary, as this Response is filed in response to the Interview Summary, and a complete response to the January 26, 2007 Office Action, including an Petition for Extension of Time to extend the response period one month, was filed with the May 29, 2007 response.

The Commission was authorized to charge the Terminal Disclaimer fee required under 37 C.F.R. § 1.20(d) to deposit account no. 50-0558 in the May 29, 2007 Response. Nevertheless, the Commissioner is again authorized to charge the Terminal Disclaimer fee required under 37 C.F.R. § 1.20(d) to deposit account no. 50-0558.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

By 

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Attached: Terminal Disclaimer.

Note: The Commission is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.